

Second, I want to respond to a couple of the comments that were made earlier in this Chamber by some of my colleagues, particularly on the Republican side of the aisle, indicating that they believed this was partisan and this would make the consideration of energy in the Senate a partisan issue.

I see it as just the opposite. I am interested in the input from all Senators. I think those on the committee know I have invested a substantial amount of time, in the past several months, seeking and having individual meetings with Senators on both sides of the aisle to discuss some of these difficult issues.

My hope is that we can put together a piece of legislation that will reflect the provisions around which we can form a consensus; and some of those will come from the Republican side of the aisle and, certainly, some will come from the Democratic side of the aisle.

My colleagues on the committee are aware we have made that effort to work in a bipartisan way. I see no disadvantage to any member of the committee from the procedure the majority leader has proposed. If there are good ideas related to energy policy, of course, the first choice would be to try to have them included in the bill the majority leader brings up for consideration. If those ideas are not included in that package, for whatever reason, any Senator, whether Democrat or Republican, would be in a position to offer those as an amendment.

I don't see anyone being disadvantaged by the procedure the majority leader has proposed. I was disappointed to hear in one of the statements this morning a somewhat colorful account of how this decision was supposed to have been made. That purported account was not accurate in any respect, as far as I know. The decision was simply made by the majority leader that if we proceeded in this way, in his view, this process would hold out the best chance for us to get an energy bill considered by the Senate and passed in a timely fashion. On that basis, it is advisable for all Senators to support the decision of the majority leader to try to move ahead on a bipartisan basis. That will certainly be my best effort in the committee.

I look forward to working with all colleagues, both on the Energy Committee and with other committees that claim jurisdiction and have jurisdiction on different aspects of a comprehensive energy bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I ask unanimous consent to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRANSPORTATION SAFETY

Mr. TORRICELLI. Madam President, I am sensitive to the desire of Members of the Senate to avoid extraneous issues in this debate. The need for airline security is self-evident. The failure of confidence in our Nation's airlines is having a devastating economic impact on the country and its economy.

I am certain Members of the Senate will understand that to those I represent, indeed to millions of other Americans around the country, railroad or bus or other modes of transportation safety are not only not extraneous, they are central. Three hundred thousand residents of New York and New Jersey cross the Hudson and East Rivers every day to their homes and places of business. Indeed, a significant multiple of the number of people who fly on airplanes every day is on these commuter trains. I cannot suggest to them that somehow their lives or their fortunes are less important than those who are on airplanes.

It appears to me the debate in the Senate to concentrate exclusively on airplane safety is based on the assumption that terrorists will accommodate us by choosing the same means, employing the same strategy to strike our country that they used previously. Why is it that I doubt they will be so accommodating?

There is nothing about an airplane that somehow makes it more vulnerable than a bus or a train or, for that matter, a powerplant or a reservoir. But as this legislation is focused on transportation and the assurance of safety and security, it must, therefore, by necessity, include other modes of transportation, particularly when those other modes are utilized by millions and millions of Americans and where the exposure to potential danger is so enormous.

I will use for illustration simply those that are utilized by my own State of New Jersey because I know them so well. I suspect the arguments I will share with the Senate could be made by the Senators from California or Massachusetts or Illinois or Florida, Missouri, or a host of other States that have large metropolitan areas.

In Penn Station in New York, through which hundreds, thousands of New Jersey residents travel every week, there are six tunnels that began construction in 1911. The four tunnels under the East River and those under the Hudson are 2½ miles long. As I suggested, they accommodate 300,000 people.

In August the State of New York, by a strange coincidence, issued a public report which concluded the tunnels are "woefully inadequate to deal with a major fire, accident, terrorist attack or other emergency situation."

The report went on to explain that the tunnels lack escape routes for the up to 2,000 people who can ride on a sin-

gle commuter or Amtrak train. They are without anything but the most basic of ventilation and do not even have standing water pipes which today would be required in even the most modest of such facilities under current construction rules.

The chart on my left illustrates for a major tunnel that can accommodate up to 2 trains and can have 2,000 people on every train, the kind of ventilation that is used is small, singular fans. If there were for some reason a fire on this train because of a terrorist act, it would not begin to be adequate to help the escaping passengers.

The second chart illustrates something even more troublesome: For the 2½-mile tunnel under the Hudson River, accommodating tens of thousands of commuters every day, a single spiral staircase through which 2,000 people would have to climb 90 feet while firefighters were using it as the only entrance to get to a burning train. It would not happen. Indeed, they would be lost.

The greatest illustration of this is that the published plans of the fire department call for using a locomotive to tow the burning train out of the tunnels with passengers on board. It is assumed they could not exit.

I use New York and New Jersey as the illustration. Were I to speak about train access from southern New Jersey to Philadelphia, I could make the same arguments. There would be the same vulnerability; only the numbers would be lower. Indeed, I could also make the same arguments about the Baltimore tunnels, built in 1877, tunnels for which 150-mile-per-hour trains must now slow to 30 miles per hour to traverse.

I could be talking about Washington, DC, itself, where the tunnels along Union Station by the Supreme Court annex, carrying 50 to 60 trains a day, were constructed with the safety designs of 1907.

In response to these concerns and those of Chicago and San Francisco and St. Louis and a host of other cities, Amtrak has proposed a multibillion-dollar security and safety plan.

First, \$471 million for additional police, bomb-sniffing canine units, and bomb detection systems for luggage. It is essential to get to even the minimum standards we are now using for the airlines.

Second, \$1 billion for the structural and safety improvements that I just outlined in tunnels across the Nation.

Third, \$1 billion in capacity enhancements to rail, bridges, and switching stations, which are necessary to support the massive increase in ridership that rails are now receiving across the country.

The daily Acela Express in the Northeast alone has had an increase in ridership of 40 percent to 50 percent per day. It cannot be accommodated as people move from airlines that are not

operating at full capacity, to trains that are now operating beyond capacity.

For example, Amtrak has had to add 608 seats on 18 Metroliners and Acela trains just to accommodate this demand between Boston, New York, Philadelphia, Baltimore, and Washington alone.

Madam President, like my colleagues, I understand our obligation to the Nation's airlines. They are the backbone of our economy. We owe it to the American people to put an armed Federal marshal on every airplane that flies in this country. We dare do no less. I believe the necessity of federalizing the check-in and inspection system is now manifest. It is also clear to me that in every aspect of air transportation, the need for security needs to be enormously enhanced. But it would not be responsible—indeed, I could not in good faith represent my constituents in New Jersey—to not simultaneously demand that all other modes of transportation receive equal protection. To protect our aircraft and leave vulnerable targets on other major transportation that carry not as many people but more people, not with the same degree of vulnerability but potentially greater vulnerability, would not be right. It would not be defensible, and I could not explain it to the people of New Jersey, who have already lost 2,000 or 3,000 people from the terrorist attacks on the World Trade Center. We refuse to lose yet another citizen, and I refuse to have another citizen of New Jersey live in vulnerability such as those who lost their lives on September 11.

I want my colleagues to know—and indeed I put them on notice—that we will insist that this Senate deal with the broader issue of transportation security in this country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—S. 1447 AND S. 1510

Mr. DASCHLE. I ask unanimous consent that the Senate now proceed to S. 1447 and that the majority leader, after consultation with the Republican leader and the chairman and ranking member of the Commerce Committee, may turn to the consideration of S. 1510, and the bill be considered under the following time limitation: That there be 4 hours equally divided for debate on the bill to be equally divided between Senators LEAHY and HATCH or their des-

ignees; that 30 minutes of the Republican time be allocated to Senator SPECTER; that there be a managers' amendment in order to be cleared by both managers; that the only other amendments in order be four relevant amendments to be offered by Senator FEINGOLD or his designee on which there shall be 40 minutes for debate on each, with 25 minutes under the control of Senator FEINGOLD and 15 minutes under Senator LEAHY's control, on which there shall be votes on or in relation thereto; that if at the conclusion of the time for debate on this bill the managers' amendment has not yet been adopted, it be agreed to; that the bill be read the third time, and the Senate vote on final passage of S. 1510.

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, reserving the right to object—I do not intend to object—I thank the leader and the leadership for working with me to make it possible to take up some amendments on the floor. These amendments directly address issues that were brought up at the only hearing on this issue in the Senate Judiciary Committee, a hearing held in the Constitution Subcommittee which I chair. I think it is good for the body, and the bill, that we consider the issues that were raised in the hearing. We should have the debate, have the votes, and resolve these issues in public.

I thank you.

Mr. MCCAIN. Reserving the right to object, I ask the majority leader, in light of the fact it is very unusual in a unanimous consent agreement to say after consultation between both leaders and managers, then they move to the antiterrorism bill, why not just have a unanimous consent agreement to go to third reading and final passage of the bill, and then go to the antiterrorism bill?

Mr. DASCHLE. If I could respond to the distinguished Senator from Arizona, we would get bogged down on the aviation security bill again. If there is time in which we are in quorum calls, it seems to me we could more productively use that time, given the time constraints under which we now have agreed to take up the counterterrorism bill, to use that time more productively.

Mr. MCCAIN. May I continue to ask the majority leader, suppose we just had a scenario, for example, out of my imagination, that immediately a so-called Carnahan amendment is proposed which would then occasion a filibuster or a cloture motion. Then we might be in that scenario almost immediately. Is that possible, I ask the majority leader?

Mr. DASCHLE. It is possible, certainly, I agree with the Senator.

Mr. MCCAIN. In fact, it may be even likely. I am very concerned about this unanimous consent agreement. Because I think what we will do is have an immediate presentation of the Carnahan amendment which will tie up the Senate to prevent us from further consideration of amendments and final consideration of the aviation security bill, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. DASCHLE. I again propose the unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, before the clerk reports, let me thank all of our colleagues. I know this has been a very difficult, extremely contentious matter, and I appreciate very much the support of all of our colleagues. While he dislikes it when I do it, I especially again thank my colleague, Senator Reid, for all of his effort and work getting us to this point. I thank Senator LOTT for his corroborative effort.

I appreciate, again, the work we have been able to do to get to this point. I thank all Senators and yield the floor.

#### AVIATION SECURITY ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1447) to improve aviation security and for other purposes.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1854

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Senator from Arizona and myself, Senator HUTCHISON of Texas, Senator ROCKEFELLER of West Virginia, and Senator KERRY of Massachusetts, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. MCCAIN, Mrs. HUTCHINSON, Mr. ROCKEFELLER, and Mr. KERRY, proposes an amendment numbered 1854.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.